

# Notice of Allowability

Application No.

10/665,541

Examiner

Maria Veronica D. Ewald

Applicant(s)

PORTER, MICHAEL J.

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## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/27/06.
2. ☒ The allowed claim(s) is/are 14.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Atty. Rebecca Uryga on November 15, 2006. Please amend claim 14 as follows:  
On line 10, delete "first" and in place, insert -- second --.

### ***Allowable Subject Matter***

Claim 14 is allowed. The following is an examiner's statement of reasons for allowance: The closest prior art references of Gonda, et al. (U.S. 2,655,978), Werner (U.S. 4,514,090) and Haeussler (DE 1266198 B) fail to teach an embedment device as claimed by Applicant. With respect to the reference of Gonda, et al., Gonda, et al. teach a device comprising a first elongate shaft secured to the frame and having a first plurality of relatively large diameter axially aligned and axially fixed disks stacked axially along a shaft in between a first plurality of relatively small diameter axially aligned and axially fixed disks; a second elongate support shaft secured to the frame and having a second plurality of relatively large diameter axially aligned and axially fixed disks stacked axially along a shaft in between a second plurality of relatively small diameter axially aligned and axially fixed disks; however, the shafts of Gonda, et al. are vertically aligned and *not horizontally aligned*. With respect to the reference of Werner, Werner

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*does not teach that there are a first and second plurality of relatively small diameter axially aligned and axially fixed disks between each of the large diameter axially aligned and axially fixed disks. With respect to the reference of Haeussler, Haeussler does not teach that there are a first and second plurality of relatively small diameter axially aligned and axially fixed disks between each of the large diameter axially aligned and axially fixed disks.*

Thus, prior art fails to teach, either alone or in combination, an embedment device for use in embedding fibers into a settable slurry used in producing a structural board on a board production line including a support frame, said device comprising: a first elongate support shaft secured to the frame and having a first plurality of relatively large diameter axially aligned and axially fixed disks stacked axially along said shaft in between a first plurality of relatively small diameter axially aligned and axially fixed disks; a second elongate support shaft secured to the frame and having a second plurality of relatively large diameter axially aligned and axially fixed disks stacked axially along said shaft in between a second plurality of relatively small diameter axially aligned and axially fixed disks; said first and second support shafts positioned relative to each other to be horizontally aligned and so that said first plurality of relatively large diameter disks are intermeshed with said second plurality of relatively large diameter disks, said intermeshed relationship creating a close, yet relatively rotational tolerance between adjacent disks of said opposing first and second support shafts for self cleaning; each of said first plurality of relatively large diameter disks overlapping a corresponding one of said second plurality of relatively large diameter disks

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approximately the length of a radius of said large diameter disks; peripheries of said first and second pluralities of relatively large diameter disks being in close proximity to corresponding peripheries of said opposed relatively small diameter disks for preventing said slurry from becoming caught between said relatively large diameter disks and said relatively small diameter disks; said shafts being oriented on the frame to be generally parallel to each other and to define a plane vertically displaced from and parallel to said board production line; said first plurality of relatively large diameter disks being disposed relative to the frame to create a first trough pattern in the slurry for embedding the fibers therein, and said second plurality of relatively large diameter disks being disposed relative to the frame to create a second trough pattern in the slurry, said second trough pattern being transversely offset from said first pattern; and said first and second shafts, and said associated disks, rotate in the same direction.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maria Veronica D. Ewald whose telephone number is 571-272-8519. The examiner can normally be reached on M-F, 8 - 4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Yogendra Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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